

**MOORE COUNTY PLANNING BOARD
REGULAR MEETING
THURSDAY, October 5, 2017, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA
All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of September 7, 2017
- C. Consideration of Abstentions

III. PUBLIC HEARING

1. **Unified Development Ordinance Text Amendments** – Moore County Planning Staff is requesting to amend the Moore County Unified Development Ordinance to include clarifying bona fide farms, swine farms, and agritourism, amending subdivision regulations including estate exclusions, performance guarantees, and plats certificates, and amending the definition of “built upon area” to meet new statutory requirements.

IV. PLANNING DEPARTMENT REPORTS

V. BOARD COMMENT PERIOD

VII. UPCOMING EVENTS

- Tuesday, October 17, 2017 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- **Thursday, November 2, 2017 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**
- Tuesday, November 7, 2017 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage

VIII. ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*

Please see attached procedures for the Public Comment Period and public comment during Public Hearing

PUBLIC COMMENT PROCEDURES MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 1. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 1. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 2. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 3. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 4. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 5. Any applause will be held until the end of the Public Comment Period.*
- 6. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 7. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 8. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, September 7, 2017 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eddie Nobles (Chairman), Joseph Garrison, David Lambert, Harry Huberth, Bobby Hyman, Matthew Bradley, John Matthews

Board Members Absent: John Cook, Jeffrey Gilbert

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Theresa Thompson, Senior Planner
Stephanie Cormack, Administrative Assistant

CALL TO ORDER

Chairman Eddie Nobles called the meeting to order at 6:00 pm.

INVOCATION

Board Member Joseph Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member David Lambert led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member John Matthews read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Minutes of August 3rd, 2017
- C. Consideration of Abstentions

Board Member Joe Garrison made a motion to approve the consent agenda. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously (7-0).

PUBLIC HEARING(S)

Chairman Nobles opened the Public Hearing

Moore County staff is requesting a General Use Rezoning from Neighborhood Business-CUD (B-1-CUD) to Neighborhood Business (B-1) to result in the entire 9.21 acre parcel located at 2426 NC Hwy 211 being zoned Neighborhood Business (B-1).

Senior Planner Theresa Thompson presented to the Board a request to recommend a rezoning request to Neighborhood Business as more of a house keeping measure. A large portion of the property located at 2426 NC Hwy 211 was zoned Rural Business Conditional Use District (CUD) on February 21, 2000 to accommodate the specific use of a Convenience store with fuel sales. The Convenience store was never built and the accompanying Conditional Use permit has since expired.

On February 14, 2014 this portion of the property was rezoned to Neighborhood Business CUD per staff recommendation to phase out the Rural Business zoning designation.

The property is located in the Rural Highway Corridor Overlay District which has specific setback requirements. The setbacks would require a 75' front property line setback, 50' parking setback along Hwy 211 and a 20' wide vegetative buffer along Hwy 211.

The property owner Tim Dixon is requesting the property be used for car sales, car wash and storage building sales. Before permit approval can be given Mr. Dixon would need to submit a site plan showing the uses requested and the required setbacks for the Highway Corridor Overlay District which is only possible in the previous designated area located for the Convenience store.

The Neighborhood Business is consistent with other commercial uses in the area. The zoning request is consistent with nearby zoning districts which include a mixture of Industrial, commercial and Rural Agricultural. The zoning request is consistent with several land use goals and Moore County's land use plans future land use map. Moore County staff recommends two motions. 1) To adopt the Moore County Planning Board land use consistency statement and 2) make a motion to endorse the Moore County Board of Commissioners to approve or deny the request.

Vice Chair Joe Garrison inquired about the zoning and the allowed use.

Senior Planner Theresa Thompson explained to the board the original zoning set in place in 1999 was Rural Agricultural for this property. In February 2000 it was rezoned to Rural Business designation. The ordinance at that time required the business to be initiated within three years or the Conditional Use Permit would no longer be valid.

Planning Board member Harry Huberth inquired what would happen to the property when Hwy 211 is widened.

Senior Planner Theresa Thompson assured the Planning Board that the property owner is aware of the widening project for Hwy 211 and the required 75' front setback set in place today but unsure what it will be once widened. The property owner is aware that the widening will encroach into his property however not sure as to how much and the ride away line will come out quite a ways and a timeframe is unknown at this time.

Planning Board member John Matthews inquired whether the front set back would be vested.

Senior Planner Theresa Thompson explained that any buildings that would be on the property would be vested at that time unless they are in the right of way and DOT requires them to be moved. Ms. Thompson also explained that she is not sure as to what direction the widening would happen and that Mr. Dixon is aware of any risk involved from the widening project. Moore County staff has met with Mr. Dixon on several occasions to review his site plans which indicated that he would not meet the setback requirements currently set in place. Mr. Dixon can only meet the setback requirements if the business is located in the central part of the property. With the previous Conditional Use District zoning Mr. Dixon is at a standstill until the property can be rezoned.

With no further comments from the Planning Board Chair Eddie Nobble invited Charles Flinchum to speak whom has requested to speak against the rezoning request.

Mr. Flinchum approached the board pointing out he owns three corners of the adjoining property, the area/corner of concern is currently zoned B-1 and would like to know what could be built that would affect his property values.

Senior Planner Theresa Thompson indicated that Mr. Flinchum's area of concern was in an area that is not buildable and the setback is 50' for parking therefore nothing could be built at that portion of the property.

Mr. Flinchum thanked Ms. Thompson and had no further questions.

With no further discussion Vice Chair Garrison made a motion to adopt the Moore County Planning Board Land Use Plan Consistency Statement and authorize the chairman to execute the document as per NC GS 153A-341. The motion was seconded by Board Member Harry Huberth, the motion passed unanimously 7-0.

Vice Chair Garrison made a motion to recommend approval to the Moore County Board of Commissioners to the proposed General Rezoning Request, to result in the entire 9.21 acre parcel located at 2426 NC Hwy 211 being rezoned Neighborhood Business (B-1), as proposed. The motion was seconded by Board member Bobby Hyman, the motion passed unanimously 7-0.

OTHER BOARD MATTERS

No other board matters were discussed.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger welcomed new Planning Board members John Matthews and Matthew Bradley. Ms. Ensminger provided the board with an update to the previous months Public Hearing informing then the Bed & Breakfast was approved by the Board of Commissioners as well as the Text Amendments requested. The Board Order for the Bed & Breakfast will be brought to the Board of Commissioners at a later meeting as they do not approve this at the same meeting.

BOARD COMMENT PERIOD

No other board comments were discussed.

ADJOURNMENT

Vice Chairman Garrison made a motion to adjourn the September 7, 2017 regular meeting. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Transportation Director

DATE: August 28, 2017

SUBJECT: Unified Development Ordinance Text Amendments

PRESENTER: Theresa Thompson

REQUEST

Moore County Planning Staff is requesting the below text amendments to the Moore County Unified Development Ordinance:

Bold Text – additions to the ordinance
~~Strikethrough Text~~ - deletions from the ordinance

1. *AMEND* Chapter 6 (Table of Uses), Section 6.1 (Use Table), Use as follows:

Uses	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Intensive Swine Farms									C					C	8.4	S, U

REASON. Regulations have been updated to meet new statutory requirements (2017-108 Session Law, Senate Bill 615, also known as the 2017 Farm Bill) which exempts large hog operations from county zoning regulations.

2. *AMEND* Chapter 8 (Specific Use Standards), Section 8.3 (Bona Fide Farms) as follows:

- A. Definition. Per NCGS 153A-340 and 106-581.1, a bona fide farm is any tract of land where the land is used for one or more of the below classifications when performed on the farm and includes and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located:
1. The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, **swine**, and poultry.
 2. The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
 3. The planting and production of trees and timber.

4. Dairying and the raising, management, care, and training of livestock, including horses, **swine**, bees, poultry, and other animals for individual and public use, consumption, and marketing.
 5. Aquaculture as defined in NCGS 106-758.
 6. The operation, management, conservation, improvement, and maintenance of a farm and the buildings and structures on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
 7. When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on ~~the a~~ farm, and similar activities incident to the operation of a farm.
 8. **Any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training, or horses, the instruction and training of riders, and therapeutic equine facilities operated by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code that provides therapeutic equine-related activities for persons who are physically, intellectually, or emotionally challenged.**
 9. A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.
- A. Exempt from Zoning. Farms that obtain bona fide farm status by the Moore County Department of Planning become exempt from the provisions of this Ordinance, ~~with the exception of swine farms.~~ Any of the following shall constitute sufficient evidence for classification of a bona fide farm:
1. A farm sales tax exemption certificate issued by the Department of Revenue.
 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3.
 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
 4. A forest management plan.
 5. ~~A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.~~
- A. Agricultural Tourism (Agritourism). Per NCGS 153A-340 and 99E-30, agritourism is any:
1. Activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions, and an activity involving any animal exhibition

at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3. An activity is an agritourism activity whether or not the participant paid to participate in the activity. Examples of agritourism may include sales of agricultural and/or plant products (u-pick operations or road side stands), hay rides, horse farms (breeding, boarding, riding lessons, training, buying selling, showing, racing, etc.), corn mazes, tours, class field trips, wineries, and breweries. It does not include: shooting ranges, rides on non-farm recreational equipment including motorcycles or all-terrain vehicle (ATV).

2. **A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) OR is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of 3 years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances adopted by Moore County in effect on the date the property no longer meets the requirements of this subsection. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.**

- B. Accessory Uses. Accessory uses to bona fide farms are also exempt. ~~Tenant or other houses for persons (including his/her family) working on said farms shall be in the same ownership as the farm and located on the farm. Residences for non farm use or occupancy and any other non farm uses shall be subject to the provisions of this Ordinance, per NCGS 153A-340b.~~ **including buildings and structures that are associated with farming activities, including, but not limited to, free standing or attached sheds, greenhouses, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with farming activities. Existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.**

- C. Supplemental. Certain building code and environmental health requirements may still apply but zoning permits are not required.

REASON. Regulations have been updated to meet new statutory requirements (2017-108 Session Law, Senate Bill 615, also known as the 2017 Farm Bill) which clarifies existing statutes regarding agritourism on bona fide farms, which are exempt from county zoning regulations. To qualify for the agritourism zoning exemption, the property owner must be enrolled in the present-use value property tax program or hold a qualifying farmer sales tax exemption. The property must remain in one of these qualifying programs for 3 years after the

UDO Text Amendments – Staff Report

start of the agritourism use. The bill also eliminates the option of a Farm ID number issued by the USDA as a requirement for a bona fide farm determination.

3. *REMOVE* Chapter 8 (Specific Use Standards), Section 8.4 (Intensive Swine Farm), in its entirety:

- ~~A. Definition. Any tract or contiguous tract of land in Moore County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 600,000 steady state live weight or greater regardless of the actual number of swine on the farm, per NCGS 153A-340(3).~~
- ~~B. Notifications. In addition to the requirements for notification of abutting property owners the Moore County Department of Planning shall notify by certified mail, all owners of property within a quarter mile radius of any proposed confinement buildings or lagoons.~~
- ~~C. Well Testing. Within 3 months after receiving a Conditional Use Permit, the swine farm shall:~~
 - ~~1. Provide baseline data from a minimum 1, as determined by the Moore County Department of Environmental Health, monitoring well located within the swine farm boundaries.~~
 - ~~2. Wells must be tested for bacteria and nitrates 2 times per year (six month intervals) at the operator's expense. The samples shall be collected by the Moore County Department of Environmental Health and tested by a State certified lab, unless wells are required to be tested twice a year by another law shall submit copies of the results.~~
 - ~~3. Wells existing on parcels of land contiguous to swine farm property at the time of initial permitting under this Ordinance shall be tested at County expense for bacteria and nitrates prior to the initial operation of a new swine farm (to obtain baseline data) and two times per year thereafter for all operating swine farms.~~
 - ~~4. In cases where well testing results identify ground water that does not meet State standards, the Moore County Department of Environmental Health will notify the Ground Water Section of the Division of Water Quality, the operator of the swine farm, and any affected property owner for further investigation and remedial action.~~
- ~~D. Supplemental. The applicant shall submit an Emergency Action Plan as deemed necessary by the Moore County Department of Public Safety. In addition to the procedures outlined in Chapter 12 (Conditional Use Permits), new or expanding swine farms shall be in accordance with state laws including but not limited to NCGS 106-803, 130A-17, and Chapter 21 of Chapter 143. Relevant information required for appropriate State and Federal applications shall also be provided during the Conditional Use Permit application, including but not limited to:~~
 - ~~1. Individual Non-discharge Permit or Certificate of Coverage~~
 - ~~2. Animal Waste Management Plan per 15A-NCAC 2H.0217(a)(1)(H).~~
 - ~~3. Waste Management Facility Site Evaluation Report or a comparable report certified by a professional engineer or technical specialist approved by the N.C. Soil and Water Conservation Commission~~

~~4. Animal Waste Management Plan Certification and Technical Specialist Certification~~

REASON. Regulations have been updated to meet new statutory requirements (2017-108 Session Law, Senate Bill 615, also known as the 2017 Farm Bill) which exempts large hog operations from county zoning regulations. The statute previously allowed the county to apply zoning regulations to swine farms that has waste systems capable of accommodating 600,000 pounds of swine or greater. Swine farms will now be classified under the bona fide farm regulations.

4. *AMEND* Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection D (Board of Commissioners) as follows:

- B. ~~Board of Commissioners. The Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest. In approving a conditional zoning district, the Board may modify standards established in the UDO provided the spirit of the regulations are maintained. Refer to Section 10.2.C (Board of Commissioners).~~

REASON. Regulations have been updated to meet current statutory requirements (Session Law 2017-10, Senate Bill 131). The new language was approved by the Board of Commissioners on September 5, 2017 and is located in the Text Amendments & General Use Rezoning Chapter. The Conditional Rezoning Chapter language is identical to the new section and is therefore written as a reference. The new statute amends planning consistency statements that are required for zoning map amendments. The principal effect of the amendment is to provide that if the county adopts a zoning map amendment that is determined to be inconsistent with the Land Use Plan, the zoning map amendment is also deemed to amend the Land Use Plan. The plan consistency statement must also include an explanation of "the change in conditions the Board of Commissioners took into account in amending the UDO to meet the development needs of the community." Before the amendment was approved, a Land Use Plan amendment would need to be voted on separate action.

5. *AMEND* Chapter 14 (Vested Rights), Section 14.5 (Development Agreements) as follows:

Development agreements refer to the contracts that vest rights to develop a specific project for an extended period of time subject to the terms and conditions specified in the agreement. Each individual development agreement must be approved by ordinance of the Board of Commissioners per NCGS 153A-349. **When the governing board approves the rezoning of any property associated with a development agreement, the provisions of NCGS 153A-349 shall apply.**

REASON. Regulations have been updated to meet current statutory requirements (Session Law 2017-10, Senate Bill 131).

6. *AMEND* Chapter 18 (Subdivisions), Section 18.3 (Exemptions to Subdivision Regulations), Subsection A (Applicability) as follows:

1. Estate Exclusion. The division of land among heirs in order to settle an estate by a **probated** will or by order of a court of jurisdiction in the settlement of a decedent's estate **or in accordance with interstate succession under Chapter 29 of the General Statutes**. (*Note: Unless such lots meet the standards of this Ordinance, a building permit shall not be issued.*) A copy of the will or order shall be submitted to the Administrator.

REASON. Per Session Law 2017-10 (Senate Bill 131) a new exempt subdivision was added to account for the division of tracts in accordance with a probated will or in accordance with interstate succession as detailed in the General Statutes. Settlement of an estate language was already in the UDO per case law established in Williamson v. Avant. The new statutory language essentially codifies the case law into statute.

7. *ADD* Chapter 18 (Subdivisions), Section 18.13 (Performance Guarantees for Major Subdivisions), Subsection D (Claim of Rights) as follows:

- D. Claim of Rights. No person shall have or may claim any rights under or to any performance guarantee provided or in the proceeds of any such performance guarantee other than the following:
1. The local government to whom such performance guarantee is provided;
 2. The developer at whose request or for whose benefit such performance guarantee is given; or
 3. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the developer.

REASON. Regulations have been updated to meet current statutory requirements (Session Law 2017-40, House Bill 158).

8. *ADD* Chapter 18 (Subdivisions), Section 18.5 (Minor Subdivisions), Subsection E. (Expedited Review) as follows:

- E. The Administrator shall render decision within 5 working days after receipt of the completed plat for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
4. The tract or parcel to be divided is not exempted under Section 18.3 (A.2.);
 5. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
 6. The entire area of the tract or parcel to be divided is greater than 5 acres;
 7. After division, no more than three lots result from the division; and

8. All resultant lots comply with all of the following: Any zoning lot dimension size requirements, the use of the lots is in conformity with the applicable zoning requirements, and there is a permanent means of ingress and egress is recorded for each lot.

REASON. Per Session Law 2017-10 (Senate Bill 131) a new expedited subdivision review was created. Many of the requirements of the new type of subdivision is already permitted as a "Minor Subdivision."

9. *AMEND* Chapter 18 (Subdivisions), Section 18.16 (Subdivision Plat Requirements) as follows:

Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision **or positional accuracy** as calculated is \pm _____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, ~~registration~~ **license** number and seal this _____ day of _____, A.D., 20_____.

Seal or Stamp of Surveyor

Professional Land Surveyor
~~Registration~~ **License** Number

REASON. Statement has been updated to meet current statutory requirements (Session Law 2017-27, House Bill 454).

10. *AMEND* Chapter 18 (Subdivisions), Section 18.16 (Certificate of Purpose of Plat) as follows:

Certificate of Purpose of Plat

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

- a. This survey creates a subdivision of land within the jurisdictional area of Moore County, North Carolina and that the County has an Ordinance that regulates parcels of land.
- b. This survey is located in a portion of a County or Municipality that is unregulated as to an Ordinance that regulates parcels of land.
- c. Any one of the following:
 1. This survey is of an existing parcel or parcels of land **or one or more existing easements** and does not create a new road or change an existing ~~street~~; **street. For the purpose of this section, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.**
 2. This survey is of an existing **feature, such as a building or other structure, or natural feature, such as a water course**.

3. This survey is a control ~~survey~~; **survey. For the purposes of this section, a “control survey” is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.**
4. **That the survey is a proposed easement for a public utility as defined in G.S. 62-3.**
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other **exemption or** exception to the definition of subdivision;
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor’s professional ability as to provisions contained in (a) through (d) above.

Signed: _____ SEAL
 Surveyor

Date: _____

REASON. Statement has been updated to meet current statutory requirements (Session Law 2017-27, House Bill 454).

11. *AMEND* Chapter 19 (Definitions), Section 19.2 (Definitions), Definition (Built-Upon Area) as follows:

Built-Upon Area. Per NCGS 143-214.7(b2), built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. “Built-upon area” does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; ~~or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour);~~ **or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from “built-upon area” set in this definition.**

REASON. Definition has been updated to meet current statutory requirements (Session Law 2017-10, Senate Bill 131).

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board’s review and consideration.

RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

Motion #2: Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

ATTACHMENTS

- Planning Board Consistency Statement – Approval

Moore County Planning Board
Land Use Plan Consistency Statement
Text Amendment - Unified Development Ordinance

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals and Rural Agricultural Future Land Use Category listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.1.1: Encourage the conservation of farmland for farming.
- Recommendation 1.1.4: Promote agritourism and cottage industries (such as small family farms and potteries) to enhance the County's heritage.
- Recommendation 1.2: Continue to encourage agriculture and agri-businesses throughout Moore County.
- Recommendation 1.2.1: Support operating environments for agriculture.
- Recommendation 1.7: Support and promote local businesses.
- Recommendation 1.7.2: Encourage emerging markets that utilize local agricultural and manufactured products, and enhance tourism and the service sectors.

- The text amendment is consistent with the Goals listed above due to the compatibility of land use goals promoting the agriculture, agritourism, and the equine industry.

2. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendment to the Unified Development Ordinance, as proposed."

Eddie Nobles, Chair
Moore County Planning Board

Date